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09/844,919

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Erin H. Sibley

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THE DIRECTV GROUP INC  
PATENT DOCKET ADMINISTRATION RE/R11/A109  
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EXAMINER

CHUNG, JASON J

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/844,919

Applicant(s)

SIBLEY, ERIN H.

Examiner

Jason J. Chung

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: page 16, paragraph [0053], line 5 states, "antenna 56". The examiner interprets the paragraph to state, "antenna 156".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks (US Patent # 5,990,927).

Regarding claim 14, Hendricks discloses uplinking 204 a primary channel signal having a digital electronic content during a vertical blanking interval (virtual channels: column 36, lines 39-58) of the primary channel signal to a high altitude device 206 (column 5, line 60-column 6, line 33; column 8, lines 48-65; figure 1).

Hendricks discloses receiving 208 the primary channel signal having a digital electronic content during a vertical blanking interval from the high altitude device (column 5, line 60-column 6, line 33).

Hendricks discloses over-the-air (cellular networks) broadcasting the digital electronic content (column 6, lines 10-15).

Hendricks discloses receiving the electronic content packages through a user appliance 220 (column 6, lines 45-67).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13, 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks (US Patent # 5,990,927) in view of Allport (US Patent # 6,097,441) in further view of Lemilainen (US Patent # 6,681,259).

Regarding claim 1, Hendricks discloses a network operations center 202 forming a composite broadcast signal (virtual channels: column 36, lines 39-58) having digital electronic content during a VBI of a primary channel signal (column 5, line 60-column 6, line 33; column 8, lines 48-65).

Hendricks discloses a content delivery system 208 receiving said composite broadcast signal from said network operations center 202 and broadcasting said composite broadcast signal (column 5, line 60-column 6, line 33).

Hendricks discloses a base station 220 receiving said composite broadcast signal and forming a network (column 8, lines 48-65).

Hendricks discloses a user appliance (television: column 6, lines 45-67)

Hendricks fails to disclose a base station forming a wireless local area network, said base station rebroadcasting...said rebroadcast signal. In analogous art, Allport discloses a base station 75 receiving a broadcast signal and forming a wireless network, said base station rebroadcasting at least a portion of said signal as a rebroadcast signal using said wireless network and a user appliance 10 positioned with said network and receiving said rebroadcast signal (column 9, line 19-column 10, line 35) for the benefit of giving the user mobility (column 10, lines 9-15). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks to have a base station receiving a broadcast signal and forming a wireless network, said base station rebroadcasting at least a portion of said signal as a rebroadcast signal using said wireless network and a user appliance positioned with said network and receiving said rebroadcast signal as taught by Allport in order to give the user mobility.

Although Allport discloses wireless networks (column 10, lines 9-15), Hendricks in view of Allport fails to disclose a wireless local area network. In analogous art, Lemilainen discloses a base station (mobile station: column 4, line 61-column 5, line 14) receiving the signal and forming a wireless local area network, said base station rebroadcasting at least a portion of the signal using said wireless local area network (column 4, lines 14-32; figures 1 and 2). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks in view of Allport to include a wireless local area network as taught by Lemilainen for the benefit of receiving the signals on a well-known 802.11 standard network.

Regarding claim 2, Hendricks discloses a television coupled to the base station 220, said television receiving at least a portion of said composite broadcast signal (column 10, lines 34-47).

Regarding claim 3, Hendricks discloses said base station couples said primary channel to said television (column 11, lines 25-38).

Regarding claim 4, Hendricks in view of Allport in further view of Lemilainen discloses said base station (mobile station: column 5, lines 1-14) forms said rebroadcast signal from said digital electronic content (Hendricks: digital electronic content).

Regarding claim 5, Hendricks discloses said electronic content comprises digital audio signals (column 39, lines 17-47; column 40, lines 38-53).

Regarding claim 6, Hendricks discloses said electronic content comprises video (NTSC: column 36, lines 39-58).

Regarding claim 7, Hendricks discloses said content delivery system comprises a high altitude device 206 (figure 1).

Regarding claim 8, Hendricks discloses said high altitude device comprises a satellite 206 (figure 1).

Regarding claim 10, Hendricks discloses the base station comprises an IRD (set top box) (column 10, lines 19-23).

Regarding claim 11, Hendricks discloses said digital electronic content is compressed (column 5, line 60-column 6, line 14; column 35, lines 31-53).

Regarding claim 12, Hendricks discloses said content delivery system comprises a cable network 210 (column 5, line 60-column 6, line 14).

Regarding claim 13, Hendricks discloses said content delivery system comprises a fiber optic network 210 (column 5, line 60-column 6, line 14).

Regarding claim 18, the limitations in claim 18 have been met in claim 1 rejection.

Regarding claims 19-20, the limitations in claims 19-20 have been met in claims 1-3 rejections.

Regarding claim 21, Hendricks discloses receiving comprises digitally decompressing the digital video stream and displaying the video stream (column 6, lines 15-67).

Regarding claim 22, Allport discloses the step of receiving comprises grabbing a vertical blanking interval frame (column 12, lines 11-44).

3. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Allport.

Regarding claim 15, Hendricks fails to disclose over-the-air broadcasting comprises over-the-air broadcasting from a base station. In analogous art, Allport discloses receiving over-the-air broadcasting comprises over-the-air broadcasting from a base station 75 (column 9, line 19-column 10, line 35) for the benefit of giving the user mobility (column 10, lines 9-15).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks over-the-air broadcasting the digital electronic content taught by Allport in order to give the user mobility.

Regarding claim 16, Allport discloses receiving over-the-air broadcasting comprises over-the-air broadcasting from a base station 75 within a building (IR is line of sight communication; which is in the same room/building: column 10, lines 16-35).

Regarding claim 17, Hendricks discloses coupling the primary channel to a television (column 11, lines 25-38).


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (571) 272-7292. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC



CHRIS GRANT  
PRIMARY EXAMINER